

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5565 of 2022

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Alok Kumar Son of Dr. Ramadhar Prasad Sinha Resident of Riding Road
Sheikhpura, Patna, P.S.-Hawai Adda, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
3. The Joint Secreary, General Administration Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Narendra Kumar, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad (SC8)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 17-05-2022

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
following reliefs:-

“(i) For issuance of an order, direction, or a writ in the nature of mandamus commanding the respondents concerned to enhance the amount of subsistence allowance from 50% to 75% upon taking into account the provisions as contained in proviso to Rule-10 of Bihar Government Servants (Classification, control and Appeal) Rules, 2005. (here in after referred to as C.C.A. Rules, 2005).

(ii) For issuance of an order/direction or a writ in the nature of mandamus commanding the respondents concerned to make the payment of the differential amount of enhanced 75% subsistence allowance less the amount of subsistence allowance paid to the petitioner @ 50% in between 22.07.2018 to till date.



(iii) For issuance of an order, direction or an appropriate declaration that the action of the Respondents concerned specially the Respondent no. 3 in not taking final decision in connection with the representation of the petitioner dated 18.07.2019 (Annexure-4) is illegal, arbitrary, malafide, malicious and unsustainable in the eye of law and on facts both and is in the teeth of clause 4(C)(i) of Bihar State litigation policy, 2016.

(iv) For issuance of grant of any other relief/reliefs to which the petitioner may be found entitled to in the given facts and circumstances of this case.”

3. Short question for consideration in the present petition is whether petitioner is entitled to subsistence allowance on par with the similarly situated persons who have been extended, vide Annexure-5, or not? The petitioner is stated to have submitted representation on 18.07.2019. The same has not been considered by the 3rd Respondent- Joint Secretary, General Administrative Department, Government of Bihar, Patna. Therefore, Respondent No. 3 is hereby directed to examine the petitioner's representation in the light of Annexure-5 as well as relevant rule in respect of payment of subsistence allowance at the enhanced rate or not? In this regard, speaking order shall be passed and communicated to the petitioner. If the petitioner made out *prima facie* case in that event necessary calculation be carried out and disburse difference of subsistence allowance.



The above exercise shall be completed within a period of three months from the date of receipt of this order.

4. With the above observations, the present petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.05.2022
Transmission Date	

